

**SUZUKI LAW OFFICES**

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Attorneys for Defendant *Garza*

**IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

United States of America,

Plaintiff,

vs.

Johnny Roman Garza,

Defendant.

**Case No.: 2:20-cr-00032-JCC**

**MOTION TO APPEAR**

**TELEPHONICALLY; REQUEST TO**

**SET CHANGE OF PLEA HEARING**

*(Defendant is Out Custody)*

Defendant, Johnny Roman Garza, by and through counsel undersigned, respectfully requests that this Court set a change of plea hearing, and allow defendant and undersigned counsel attend the hearing telephonically.<sup>1</sup> The prosecutor has indicated that he does not object to telephonic appearance by the defendant and by counsel. Mr. Garza consents to waiving his physical presence and to proceeding telephonically.

<sup>1</sup> For purposes of this motion, “telephonically” is intended to mean either by phone or video, at the Court’s discretion based upon available technology.

1 In this case, the interests of justice as well as practical considerations support  
2 permitting both counsel and the defendant to conduct the change of plea hearing  
3 telephonically based on the following:  
4

- 5 1. Due to the ongoing pandemic and high levels of Covid in both Arizona and  
6 Seattle, it is not safe for either the defendant or counsel to travel to Seattle  
7 from Arizona or back from Seattle to Arizona.  
8
- 9 2. Given that traveling between Phoenix and Seattle requires flight, and a  
10 flight requires spending time in a small enclosed area with an unknown  
11 number of people who may or may not have been exposed to Covid, it is  
12 generally not safe to fly at this time.  
13
- 14 3. Technology exists to allow the change of plea to be conducted  
15 telephonically.  
16
- 17 4. It would impose an undue hardship and expense upon the defendant to  
18 require travel to Seattle for the hearing, given the cost of the flight for the  
19 defendant and counsel, and the cost of staying in Seattle for at least one  
20 night for both the defendant and counsel.  
21
- 22 5. The parties have reached a plea agreement, and wish to enter it and begin  
23 the process of working on a future sentencing proceeding, including the  
24 presentence interview process.  
25
- 26 6. In the absence of proceeding telephonically, the defense will need to  
27 continue the case for the foreseeable future until it is safe to travel, wasting  
28

1           judicial resources given the need for a trial date to remain in place and  
2           continuances to be filed.

3           In consideration of the above, it would be in the interests of justice to allow the  
4           defendant and counsel to appear telephonically in order to conduct a change of plea  
5           hearing. Accordingly, Mr. Garza respectfully requests that the Court set a change of plea  
6           hearing, and allow the both him and counsel to appear telephonically.  
7

8           RESPECTFULLY SUBMITTED this 11<sup>th</sup> day of August, 2020.  
9

10                           **SUZUKI LAW OFFICES**

11                           /s/ Seth Apfel

12                           Seth Apfel, Esq.

13                           Attorney on Behalf of Defendant Garza  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 11, 2020, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Hon. John C. Coughenour  
U.S. District Judge  
700 Stewart Street, Suite 2310  
Seattle, WA 98101

Thomas M. Woods  
U.S. Attorney's Office  
700 Stewart St, Ste 5220  
Seattle, WA 98101-1271

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/s/ Seth Apfel  
Seth Apfel  
Attorney on Behalf of Defendant Garza